

UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOTHMAN MISANE, TYLER
SLEEP and JEROL WILLIAMS,

Plaintiffs,

-vs-

Case No. 1:21-cv-00487
Hon. Hala Y. Jarbou

CITY OF BANGOR, TOMMY
SIMPSON, MAYOR DARREN
WILLIAMS and SCOTT GRAHAM,

Defendants.

JONATHAN R. MARKO (P72450)
MARKO LAW, PLLC
Attorney for Plaintiffs
1300 Broadway Street, Fifth Street
Detroit, MI 48226
P: (313) 777-7529 / F: (313) 771-5785
jon@markolaw.com

MICHAEL S. BOGREN (P34835)
PLUNKETT COONEY, P.C.
Attorney for Defendants
333 Bridge Street, NW, Suite 530
Grand Rapids, MI 49504-5365
P: (269) 226-8822 / F: (248) 901-4040
mbogren@plunkettcooney.com

**STIPULATED ORDER EXTENDING STAY AND WAIVING
STATUTE OF LIMITATIONS DEFENSE**

This action was filed by Plaintiffs on June 10, 2021. (ECF No. 1). Plaintiffs filed their First Amended Complaint, by Right, on June 11, 2021. (ECF No. 3).

1. Plaintiffs were forced to file the subject action due to the shortened statute of limitations on their Michigan Whistleblower's Protection Act claims.

2. Plaintiffs have filed claims with the Equal Employment Opportunity Commission (“EEOC”) for violations of Title VII of the Civil Rights Act of 1964 against the above-named Defendants, which are currently pending.

3. In Plaintiffs’ Complaint and First Amended Complaint, Plaintiffs explicitly state that “Plaintiffs intend on bring claims under Title VII of the Civil Rights Act of 1964, but Plaintiffs currently have pending EEOC claims, thus Plaintiffs will have to amend their Complaint at the appropriate time.” (ECF No. 1, p. 12, fn 1). (ECF No. 3, p. 12, fn 1).

4. In light of the forgoing, and upon the stipulation of the parties, this Court entered an order on July 6, 2021, staying this case until September 6, 2021, and ordering the Plaintiff to file a status report regarding any further requests to stay. (ECF No. 9).

5. Since that time, two of the three Plaintiffs have received right to sue letters from the EEOC, Mr. Misane and Mr. Williams. Mr. Williams' right to sue letter expires on September 30, 2021, and Mr. Misane's expires on August 13, 2021. Mr. Sleep's right to sue letter has not been issued yet.

6. The parties recognize that Plaintiff will need to file an amended complaint once Mr. Sleep's right to sue letter is issued, and that in the interests of judicial economy, and to avoid piece-meal litigation, a single master amended complaint should be filed for all three Plaintiffs.

The parties agree and stipulate that in order to accomplish this, the Defendant will waive a statute of limitations defense as to the new claims in the Amended Complaint.

IT IS HEREBY ORDERED that this matter be stayed for another 30 days for the reasons and terms explained above;

IT IS FURTHER ORDERED that Plaintiffs be allowed to file an amended complaint once the final right to sue letter has been issued.

IT IS SO ORDERED.

Dated: _____

HALA Y. JARBOU
United States District Circuit Judge

THIS ORDER IS STIPULATED AS TO FORM AND CONTENT:

/s/ Jonathan R. Marko
Jonathan R. Marko (P72450)
Attorney for Plaintiffs

/s/ Michael S. Bogren w/consent
MICHAEL S. BOGREN (P34835)
Attorney for Defendants